RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
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UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In re: ARTEMIO AVILA ESQUIEL, Debtor.	BK-S-10-32157-MKN Chapter 13 Hearing Date: N/A Hearing Time: N/A

EX-PARTE MOTION FOR FORMAL DISMISSAL OF CHAPTER 13 CASE PURSUANT TO SECTION 521(i)

COMES NOW RICK A. YARNALL, Chapter 13 Trustee and requests the Court to formally dismiss the above entitled case pursuant to 11 U.S.C. § 521(i) for the following reasons:

1) The Debtor has failed to file the following:

a. Schedule A – Real Property

b. Schedule B – Personal Property

c. Schedule C – Property Claimed as Exempt

d. Schedule D – Creditors Holding Secured Claims

e. Schedule E – Creditors Holding Unsecured Priority Claims

f. Schedule F – Creditors Holding Unsecured Nonpriority Claims

g. Schedule G – Executory Contracts and Unexpired Leases

h. Schedule H – Codebtors

i. Schedule I – Current Income of Individual Debtor(s)

j. Schedule J – Current Expenditures of Individual Debtor(s)

k. Statement of Financial Affairs

3) The forty-five day (45) period expired on January 10, 2011.

4) Trustee requests the Court take judicial Notice of the Docket as evidence in support of this request.

5) 11 U.S.C. § 521(i) states that (1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

6) Trustee shall be allowed administrative expenses in the amount of $150.00 per quarter that case is pending.

WHEREFORE, the Chapter 13 Trustee requests the Court to formally dismiss this case.

DATED this 18th day of January, 2011.

Submitted by:

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Attorney for RICK A. YARNALL,
Chapter 13 Bankruptcy Trustee